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November 4, 1996

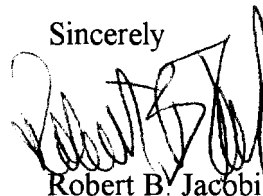
**VIA HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Secretary

On behalf of Barden Broadcasting, Inc., licensee of FM station WJTW, Joliet, Illinois, there is herewith transmitted an original and 4 copies of its Response to National Association of Broadcasters Reply Comments.

Sincerely



Robert B. Jacobi

Enclosures

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NOV 4 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

BEFORE THE

## Federal Communications Commission

In the Matter of )  
 )  
Grandfathered Short-Spaced ) MM Docket No. 96-120  
FM Stations ) RM 7651  
 )

To: Mass Media Bureau

### **RESPONSE OF BARDEN BROADCASTING, INC. TO NATIONAL ASSOCIATION OF BROADCASTERS REPLY COMMENTS**

In August, 1996, the FCC granted the request of a National Association of Broadcasters ("NAB") for an extension of time (through October 4, 1996) to file Reply Comments in the above-referenced proceeding and, further, afforded interested parties an additional thirty (30) days to file responses. Barden Broadcasting, Inc. ("Barden") licensee of FM station WJTW, Joliet, Illinois, by and through its attorneys, hereby respectfully responds to the NAB Reply Comments.

1. The NAB's proposal to require each and every modification application to demonstrate compliance with the four "basic qualification" criteria (identified at NAB, Reply Comments, pp. 11-12) is an invitation to disaster.<sup>1/</sup> Virtually every application for

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<sup>1/</sup> Contrary to the NAB "choice" verbiage (Reply Comments, p. 11), the proposed qualifying criteria do not comprise "...a series of choices." Indeed, the NAB proposal  
(continued...)

a move will be contested by the claim that interference is increased. To avoid the obvious flood of litigation and the unnecessary and wasteful use of Commission resources which would be required in order to manage the processing of the applications, the Commission should adopt a simple "go-no-go" solution.

2. The proponents have provided documentation in support of the Commission proposals. The NAB engineering exhibits, however, are not really responsive. The NAB contends:

a. that automotive receivers are generally much better at rejecting unwanted co and first adjacent channel interfering signals than home stereos and portable radios (Reply Comments, p. 7); and

b. that two of the three non-automotive receivers studied are significantly less capable of rejecting unwanted second adjacent channel interfering signals than automotive receivers.

To merely state that non-automotive receivers are not as efficient as automotive receivers in terms of rejecting interference adds literally nothing to this proceeding; clearly, it does not establish that non-automotive receivers are less than adequate in terms of rejecting second and third adjacent channel interference.

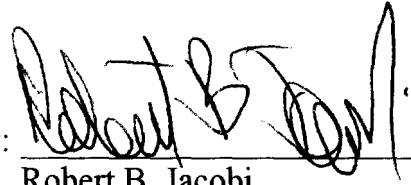
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<sup>1/</sup> (...continued)  
contemplates that every applicant must demonstrate compliance with all four of the criteria.

3. The "real life" situation with respect to short-spaced grandfathered stations is that because of the so-called "doughnut situation," the relocation of the grandfathered transmitter site will shift the theoretical interference from one area to another area. The only practical solution (short of rejecting the FCC proposal) is the solution proposed by the Commission, to the effect that short-spaced grandfathered second and third adjacent channel stations may relocate anywhere so long as they do not increase interference to co-channel and adjacent channel stations. The adoption of such a "go-no-go" standard is both practical and fair.

Respectfully submitted,

BARDEN BROADCASTING, INC.

By: 

Robert B. Jacobi

Its Attorney

Cohn and Marks

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Washington, DC 20036

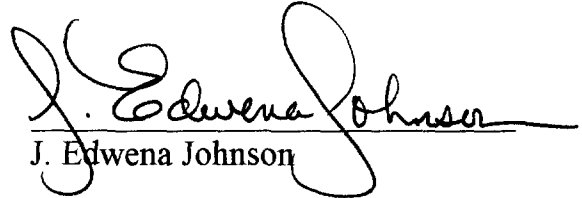
(202) 293-3860

Dated: November 4, 1996

## **CERTIFICATE OF SERVICE**

I, J. Edwena Johnson, hereby certify that on this 4th day of November, 1996 a true and correct copy of the foregoing "Response of Barden Broadcasting, Inc. to National Association of Broadcasters Reply Comments" was delivered via United States Mail, first class, postage prepaid to:

Barry D. Umansky, Esq.  
National Association of Broadcasters  
1771 N Street, NW  
Washington, DC 20036-2891

  
J. Edwena Johnson